

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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LAUSTEVEION JOHNSON,

Plaintiff,

v.

MICAELA GAROFALO, *et al.*,

Defendants.

Case No. 3:21-cv-00239-MMD-CLB

ORDER

On November 30, 2021, the Court issued an order screening *pro se* Plaintiff Lausteveion Johnson's complaint under 28 U.S.C. § 1915A. (ECF No. 7.) The screening order deferred a decision on Johnson's application to proceed *in forma pauperis* ("IFP") and stayed the case so the parties could participate in the Court's Inmate Early Mediation Program. (*Id.*) On January 20, 2022, the Court issued an order excluding this case from the Court's Inmate Early Mediation Program. (ECF No. 11.) Accordingly, the Court now assess Johnson's IFP application. (ECF No. 3.)

The financial certificate Johnson filed in this case, is on an older form, which refers only to a \$350.00 filing fee. (*Id.* at 4.) The current filing fee is \$402.00, which includes a \$350.00 filing fee and the \$52.00 administrative fee.¹ The older form filed in this case, as well as the current form, require a plaintiff to acknowledge that if his or her current account balance exceeds the filing fee, he or she will not qualify to proceed *in forma pauperis*. (See *id.* ("[I]f my current account balance (line #1 below) is \$350.00 or more, I will not qualify for *in forma pauperis* status and I must pay the full filing fee of \$350.00 before I will be allowed to proceed with the action.")) The IFP application lists Johnson's current account balance as \$2,603.72, which is well above the current filing fee of \$402.00. (*Id.*) As such, the Court denies Johnson's IFP application without prejudice.

¹The current form is available at: <https://www.nvd.uscourts.gov/wp-content/uploads/2020/12/IFP-Inmate-Packet-Effective-12-1-20-FINAL.pdf>

1 Johnson therefore must pay the full \$402.00 filing fee for a civil action within 30
2 days. Alternatively, if Johnson believes his financial situation has changed, Johnson may
3 file an updated IFP application within 30 days. If Johnson does not pay the full \$402.00
4 filing fee, or file an updated IFP application that shows Johnson qualifies to proceed *in*
5 *forma pauperis*, within 30 days, this case will be subject to dismissal without prejudice.


6 Moreover, the Court notes that although the screening order deferred a decision
7 on Johnson's IFP application, the order stated that based on the information provided,
8 Johnson would not qualify to proceed *in forma pauperis* and would need to pay the filing
9 fee or file an updated IFP application. (ECF No. 7 at 1 n.1.) Thus, Johnson has already
10 had almost two months to pay the filing fee or file an updated IFP application. As such,
11 the Court does not anticipate granting any extensions to its 30-day deadline.

12 It is therefore ordered that Plaintiff Lausteveion Johnson's application to proceed
13 *in forma pauperis* (ECF No. 3) is denied without prejudice.

14 It is further ordered that within 30 days of the date of this order, Johnson will either
15 pay the full \$402.00 filing fee for a civil action or file a complete IFP application, showing
16 that Johnson qualifies to proceed *in forma pauperis*.

17 It is further ordered that if Johnson fails to timely comply with this order, this case
18 will be subject to dismissal without prejudice.

19 DATED THIS 28th Day of January 2022.

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22 _____
23 MIRANDA M. DU
24 CHIEF UNITED STATES DISTRICT JUDGE
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